

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-101 are pending in the application.

Claim Rejections – 35 USC § 101

Claims 1-72 and 94 were rejected under 35 USC § 101, as being drawn to non-statutory subject matter. Applicants respectfully traverse these rejections.

At the outset, it is respectfully submitted that the claims are drawn to a method of determining a geographic position of a remote unit in a wireless communication system. Applicants believe that a remote unit is an “apparatus”, particularly when further specified to reside in a wireless communication system. Accordingly, Applicants believe that the claims are tied to another statutory category. Further, Applicants submit that the claims 1-28 as amended state that the first position solution and the second position solution are based upon separate measurements and accordingly meet the transformation test. Specifically, measurements are transformed into position solutions.

Claim 94 has been amended to correct the dependency.

Accordingly, Applicants respectfully request withdrawal of these rejections.

Allowable Subject Matter

Applicants note with appreciation the indication on page 6 of the Office Action that claims 96-99 are allowed.

Applicants also note with appreciation the indication on page 6 of the Office Action that claims 76 and 82-89 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 76 and 82-89 have been amended in this manner, and accordingly these claims should now be allowed. Acknowledgment of same is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1-28, 73-75, 77-81, 90-95, and 100-101 are rejected under 35 USC § 103, as being unpatentable over Watters (U.S. Patent No. 5,982,324) in view of Fernandez (U.S. Patent No. 6,289,280) and in further view of Maki (U.S. Patent No. 5,323,163). Applicants have amended the above claims to overcome this rejection.

Specifically, Applicants have amended claim 1, for example, to recite selecting between the first position solution and the second position solution based on a predetermined selection criteria, wherein the first position solution and the second position solution are based upon separate measurements. Applicants respectfully submit that the applied combinations of Watters, Fernandez and Maki fail to at least disclose this feature of Applicants' claimed combinations (assuming the references are combinable, as alleged, which Applicants do not admit).

The remaining independent claims (i.e., claims 73, 100, and 101) recite related subject matter to the above-identified independent claim 1, and is therefore allowable for reasons similar to those given above. Further, the dependent claims are allowable at least by virtue of their dependency on the above-identified independent claims. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

Clarification of Rejections if Maintained

Applicants respectfully request clarification of the outstanding rejections if they are maintained. For example, the Office Action indicates that claim 1 was rejected under USC § 103, as being unpatentable over Watters (U.S. Patent No. 5,982,324) in view of Fernandez (U.S. Patent No. 6,289,280) and in further view of Maki (U.S. Patent No. 5,323,163), as noted above. However, it appears that only Watters has been applied to claim 1, which would seem to indicate that the Examiner is alleging that Watters anticipates each and every element of claim 1 as recited. Regardless, even if this is the Examiner's intention, Applicants request that the rejection be clarified and the specific features (if any) of Fernandez and Maki being relied upon be detailed in the subsequent action, should these rejections be maintained.

Application No. 10/565,993
Amendment dated March 1, 2010
Reply to Office Action of October 28, 2009

Status of Claims 29-72

Since there appears to be no art grounds of rejections in relation to claims 29-72, Applicants request an indication in the next Office Action that claims 29-72 would be allowable pending resolution of the 101 rejection addressed in the foregoing sections of this amendment.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: March 1, 2010

By: 
Shyam Parekh, Reg. No. 62,767
858.658.5773

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-2426
Facsimile: (858) 658-2502